

**ZB# 96-43**

**Grace Panella**

**71-3-3**

Prelim. 71-33

Sept. 9, 1996.

Copy of Need +

Title Report

Deletion out

Fee: 150.00/10/15/96.

Photos 4

Send proxy 4.

Filed to Sentinel 10/15/96.

Public Hearing:

October 28, 1996

Approved

Refund: \$394.00

Final Decision  
done 4

#96-43-Panella, Grace

Significance

71-3-3.

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12553

# General Receipt

15933

Oct 15 1996

Received from Gleede Neon Signs \$ 150.00

One Hundred fifty 00/100 DOLLARS

For ZBA # 96-43

DISTRIBUTION:

FUND	CODE	AMOUNT
Ch # 6761		150.00

By Dorothy H. Hanson

Town Clerk

WILLIAMSON



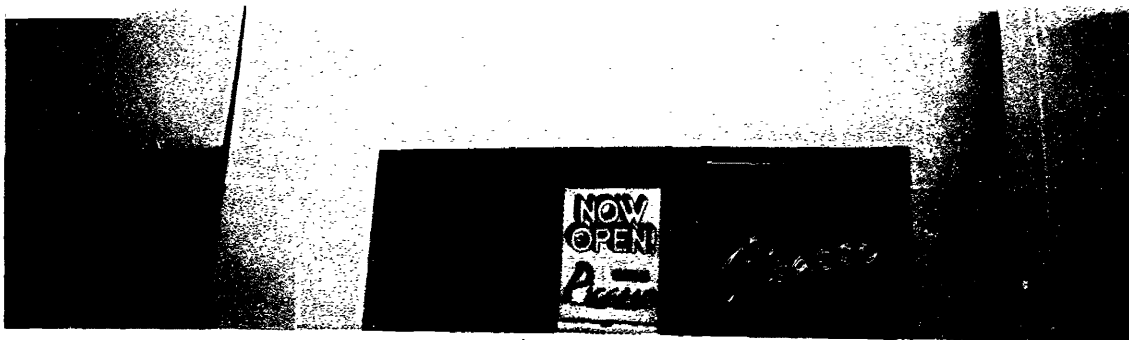
FUND	CODE	By
Ch # 6761	150.00	

WILLIAMSON

Town Clerk







#46-45-7anelle, Grace  
Significance  
71-3-3.

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Parella, Grace

FILE # 96-43

RESIDENTIAL: \$ 50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒ Sign USE ☐

APPLICATION FOR VARIANCE FEE . . . . . \$ 150.00 ✓  
\* \* \* \* \* CK # 6761 -  
19/15/96.

ESCROW DEPOSIT FOR CONSULTANT FEES . . . . . \$ 500.00 ✓  
CK # 1180  
9/27/96.

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 9/9/96 - 5 pages . . . \$ 22.50  
2ND PRELIM. MEETING - PER PAGE 10/22/96 - 3 pages . . . \$ 13.50  
3RD PRELIM. MEETING - PER PAGE . . . \$ \_\_\_\_\_  
PUBLIC HEARING - PER PAGE . . . \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) PER PAGE . . . \$ \_\_\_\_\_  
TOTAL . . . . . \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 9/9/96 . . . . . \$ 35.00  
2ND PRELIM. 10/22/96 . . . . . \$ 35.00  
3RD PRELIM. . . . . \$ \_\_\_\_\_  
PUBLIC HEARING . . . . . \$ \_\_\_\_\_  
PUBLIC HEARING . . . . . \$ \_\_\_\_\_  
TOTAL . . . . . \$ 70.00

MISC. CHARGES:

\_\_\_\_\_  
TOTAL . . . . . \$ 106.00

LESS ESCROW DEPOSIT . . . \$ \_\_\_\_\_  
(ADDL. CHARGES DUE) . . . \$ \_\_\_\_\_  
REFUND DUE TO APPLICANT . . . \$ 394.00

Refund

(ZBA DISK#7-012192.FEE)

Date 11/5, 1976.

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Shale Lunella DR

Grace Panella  
c/o Altman Management LLC  
P.O. Box 573  
Vails Gate, N.Y. 12584

Vails Gate, N.Y. 12584

DATE

Re: ZBA

**CLAIMED:**

**ALLOWED**

[illegible]



GLOEDE NEON SIGNS  
113 CATHERINE ST. P.O. BOX 4963  
POUGHKEEPSIE, N.Y. 12602  
PHONE: (914) 471-4388

DATE	INVOICE	AMOUNT

6761

PAY

DOLLARS

CHECK NO.

TO THE ORDER OF

DATE

CHECK AMOUNT

6761

Town of New Windsor

10/15/96

150<sup>00</sup>

GLOEDE NEON SIGNS

2BA 96-43

**RIVERSIDE BANK**

11-13 GARDEN STREET  
POUGHKEEPSIE, NEW YORK 12601

*Britna Fitzgerald*

⑈006761⑈ ⑆021911343⑆ ⑆01 20 006788⑈

ALLPAN MANAGEMENT, LLC  
P.O. BOX 573  
VAILS GATE, NY 12584

50-693/219  
323020014508

1180

DATE

9/27/96

PAY TO THE  
ORDER OF

The Town of New Windsor

\$500.00

DOLLARS

**KEY BANK**

Key Bank of New York  
Route 32  
Vails Gate, NY 12584  
Vails Gate Office

302

MEMO

71-3-3 #96-43

*Grace Panella*

⑆021906934⑆ 323020014508⑆ 1180

-----X  
In the Matter of the Application of

GRACE PANELLA,

MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE  
FOR SIGN#96-43.  
-----X

WHEREAS, GRACE PANELLA, 2 Hearthstone Way, New Windsor, N. Y. 12553, has made an application before the Zoning Board of Appeals for a 56 sq. ft. sign area and 3 ft. sign height in variation of Section 48-18H(1)[2] of the Supplemental Sign Regulations to permit a directory sign located at 356 Windsor Highway, in a C zone; and

WHEREAS, a public hearing was held on the 28th day of October, 1996, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant was represented by Barbara Fitzgerald of Gloede Signs; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance to its previously made decisions in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The subject piece of property is a commercial piece of property located in a commercial neighborhood and area.

(b) The subject piece of property contains a number of tenants and the proposed sign is to provide equal signage for the tenants.

(c) The sign for the tenants now existing on the property is larger than the proposed sign and consists of a collection of very dissimilar signs posted on a single sign post.

(d) The proposed sign will have interior illumination.

(e) Most of the commercial signs in the area are

(e) Most of the commercial signs in the area are illuminated.

(f) The signs will not be neon and will not be flashing or blinking.

(g) The proposed sign will be placed on the same location as the present sign and does not interfere with traffic sight lines or the safety of the motoring public either on the adjacent road or in the parking lot.

(h) The proposed sign while it is larger than the allowed signs appears to be in proportions appropriate to the building and to the area.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

(a) The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

(b) There is no other feasible method available to Applicant which can produce the benefits sought.

(c) The variances requested are substantial but should be granted for the reasons stated above.

(d) The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

(e) The difficulty the applicant faces in conforming to the bulk regulations is self-created in that the construction is proposed, but should nevertheless be granted.

(f) The benefit to the applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

(g) The requested variances are appropriate and are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(h) The interests of justice will be served by allowing the granting of the requested variances.

NOW, THEREFORE, BE IT

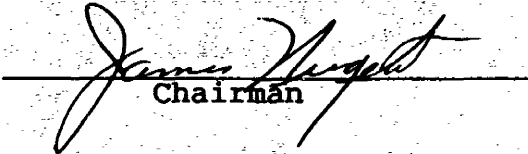
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 56 sq. ft. sign area and a 3 ft. sign height variance in variation of Section 48-18H(1)(a)[2] of the Supplemental Sign Regulations for property located at 356 Windsor Highway, in a C zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the

public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: January 08, 1997.

  
Chairman

Date ~~11/4/96~~ 11/4/96, 19.....

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth 147 Syracuse Dr DR.

New Windsor Ny 12553

DATE		CLAIMED	ALLOWED
12/24/96	Zoning Board Mtg	75.00	
	Misc. - 2		
	Nucifora - 5		
	Andrews - 4		
	Royal Pools - 9		
	Gottschalk - 8		
	Ronella - 3 @ 13.50		
	<u>30.00</u>	<u>139.50</u>	
		214.50	

~~BARBARA FITZGERALD~~

Ms. Barbara Fitzgerald appeared before the board for this proposal.

MR. NUGENT: Request for 56 square foot sign area and 3 ft. sign height in variance of Section 48-18H(1)(a)[2] of the Supplemental Sign Regulations at 356 Windsor Highway in a C zone.

MS. FITZGERALD: Mrs. Panella did give me permission to represent her, she did wish to be here, she's working so I hope I can answer all the questions.

MR. NUGENT: I think we pretty much tore this apart when we had you at the preliminary meeting. We went over it quite extensively.

MS. FITZGERALD: I think I provided some additional photographs and measurements of the building signs.

MR. REIS: What's the potential tenancy in this building?

MS. FITZGERALD: Five units, it's full now, and there's only four of these boards up, there will be five spaces within the proposed sign which is of course smaller than what's there now.

MR. NUGENT: Remember this?

MR. LANGANKE: Yes.

MR. KANE: And the signs that you are proposing to put up shall be consistent with the rest of the signs in your general neighborhood?

MS. FITZGERALD: Oh, yes.

MR. NUGENT: That is what it is going to look like?

MR. REIS: Is it illuminated?

MS. FITZGERALD: Yes, with fluorescent illumination.

MR. KANE: What you're basically doing is cleaning up the wooden signs and the site, making it more professional looking and generally make the signs smaller and better in appearance to the neighborhood.

MS. FITZGERALD: That is correct.

MR. KANE: Did you say they were illuminated?

MS. FITZGERALD: Yes, it is and that is also in keeping with the general area, most of the signs are illuminated.

MR. TORLEY: Just as a, just so it is clear on the record, your company, Globe Neon Signs, these are not going to be neon signs?

MS. FITZGERALD: No, that is the neon, just the name. We do that too though.

MR. KANE: And the changing of this and putting in the new sign is not going to create any other safety hazard, any environmental hazards.

MS. FITZGERALD: No.

MS. BARNHART: For the record, I sent out 53 addressed envelopes, there's my affidavit of service by mail which we haven't gotten any responses.

MR. NUGENT: Any further questions?

MR. KRIEGER: You have, your company has put up many signs over the years, I take it?

MS. FITZGERALD: Yes.

MR. KRIEGER: In your opinion, is this the smallest sign that is feasible for this particular use in this particular area?

MS. FITZGERALD: I would say so, yes.

MR. KRIEGER: Thank you.

October 28, 1996

30

MR. REIS: Accept a motion?

MR. TORLEY: I'm glad to see it being cleaned up.

MR. NUGENT: I'll accept a motion.

MR. REIS: I make a motion that we grant Grace Panella her variance for requested 56 square foot sign variance.

MR. NUGENT: Make a note there is no one in the audience.

MR. LANGANKE: I'll second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE



OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

*Prelim.*  
*Sept. 9, 1996*  
*#96-43*

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: AUGUST 29, 1996

APPLICANT: GRACE PANELLA  
2 HEARTHSTONE WAY  
NEW WINDSOR, N.Y. 12553

*Barbara - Gloede-Sizis*

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: AUGUST 26, 1996

FOR (BUILDING PERMIT): PROPOSED 6FT. X 10FT. DIRECTORY SIGN

LOCATED AT: 356 WINDSOR HIGHWAY

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 71, BLOCK: 3, LOT: 3  
EXISTING RETAIL MALL

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. SIGN EXCEEDS MAXIMUM ALLOWABLE 64 SQFT. TOTAL ALL FACES.
2. SIGN HEIGHT EXCEEDS MAXIMUM ALLOWABLE 15FT.

*Curt Schmidt*

BUILDING INSPECTOR

\*\*\*\*\*

PERMITTED

PROPOSED OR  
AVAILABLE

VARIANCE  
REQUEST

ZONE C

USE 48-18 H(1)(a)(2)

SIGN 64 SQFT.

120 SQFT.

56 SQFT.

HEIGHT 15FT.

18FT.

3FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF  
APPEALS.

CC: Z.B.A., APPLICANT, B.P. FILE

RECEIVED AUG 26 1996

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU.

☒ Owner of Premises 356 Windsor Highway Associates LLC  
☒ Address 365 Windsor Highway Phone 562-5330  
Mailing Address 2 HEARTHSTONE Way, NEW WINDSOR, NY 125  
Name of Architect \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Name of Contractor GLADE NEON SIGNS, LTD. Barbara or Todd  
Address 113 CATHERINE ST., Poughkeepsie NY 12601 Phone (914) 471-4366  
State whether applicant is owner, lessee, agent, architect, engineer or builder

If applicant is a corporation, signature of duly authorized officer.

William Fitzgerald, Pres  
(Name and title of corporate officer)

FOR OFFICE USE ONLY

Building Permit # \_\_\_\_\_

- X On what street is property located? On the west side of Windson High  
and 150 feet from the intersection of Old Forge Hill Road  
(N, S, E or W)
2. Zone or use district in which premises are situated Commercial Is property a flood zone? Y N X
3. Tax Map Description: Section 71 Block 3 Lot 3
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.  
a. Existing use and occupancy RETAIL b. Intended use and occupancy \_\_\_\_\_
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒ SIGN
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_
8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_  
Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_  
Heating Plant Gas \_\_\_\_\_ Oil \_\_\_\_\_ Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_  
If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_
10. Estimated cost \$ 4500.00 Fee \_\_\_\_\_  
(To be Paid on this Application)
11. School District: NEWBURNH

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If that cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

1 / 12  
APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Lisi, Ernst Schmidt  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 564-4618 563-4615  
(914) 563-4693 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

REFER TO:

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☐

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

*William Fitzgibbon*  
(Signature of Applicant)

*GLOEDE SIGNS, 113 CATHERINE ST*  
(Address of Applicant)

*POUGHKEEPSIE, NY 12601*

PLOT PLAN

NOTE:

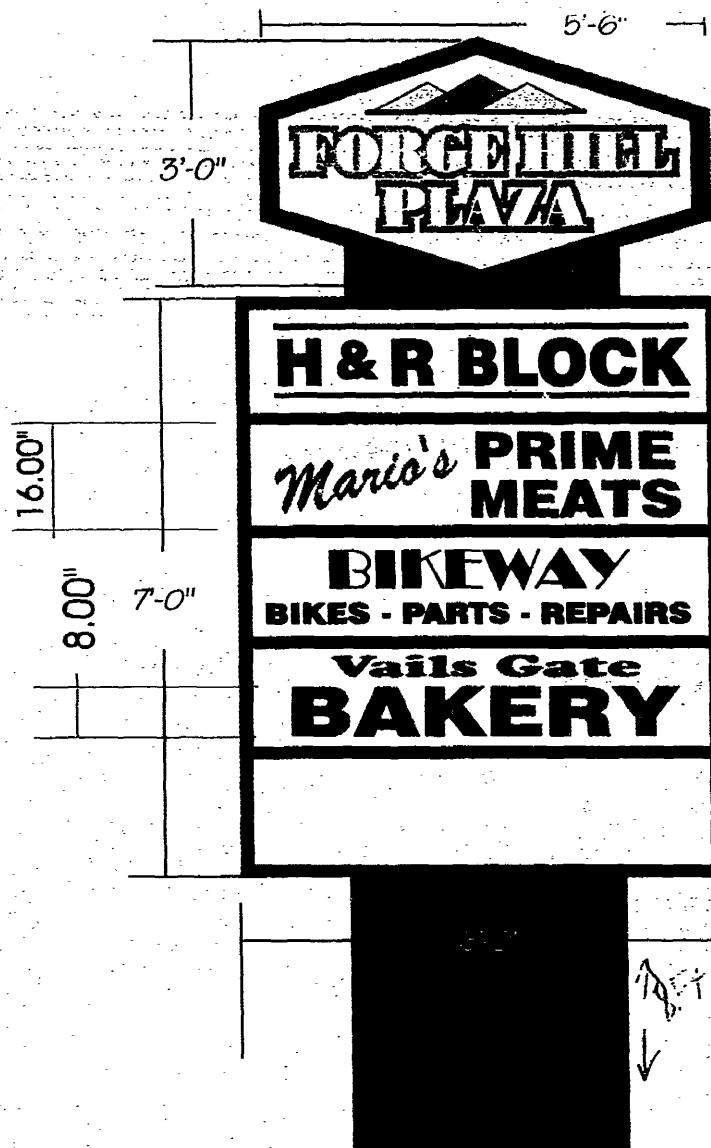
Locate all building and indicate all set back dimensions. Applicants must indicate the building line or lines clearly and distinctly on the drawings.

N

W

E

S



SIGN CONSTRUCTED OF .050" ALUMINUM, COLOR, MATTE BLACK. FINISH WITH IVORY COLORED FACE ON TOP PORTION, WHITE IN TENANT SLOTS.

AUGUST 1996

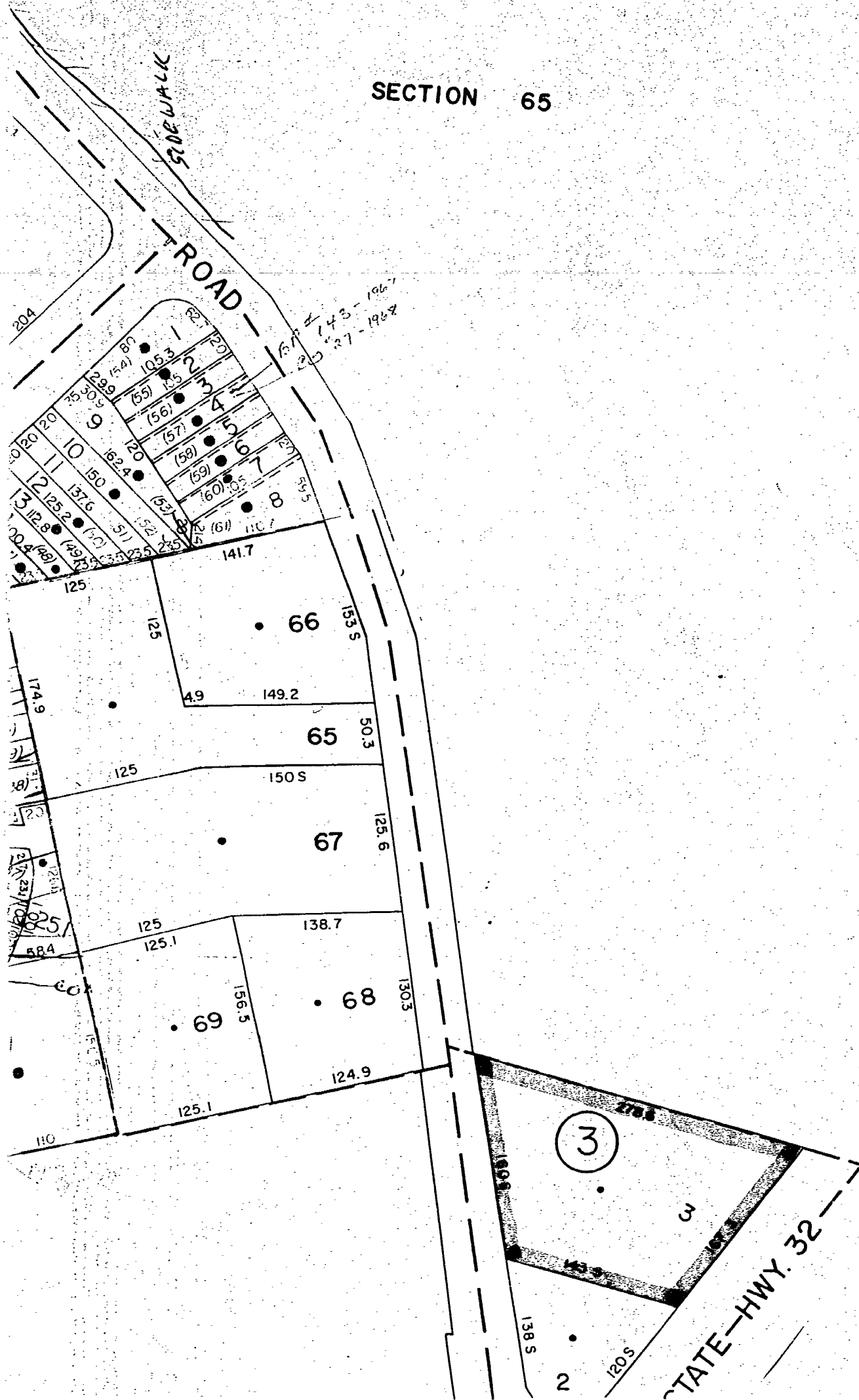
# FORGE HILL PLAZA SIGN RENDITION

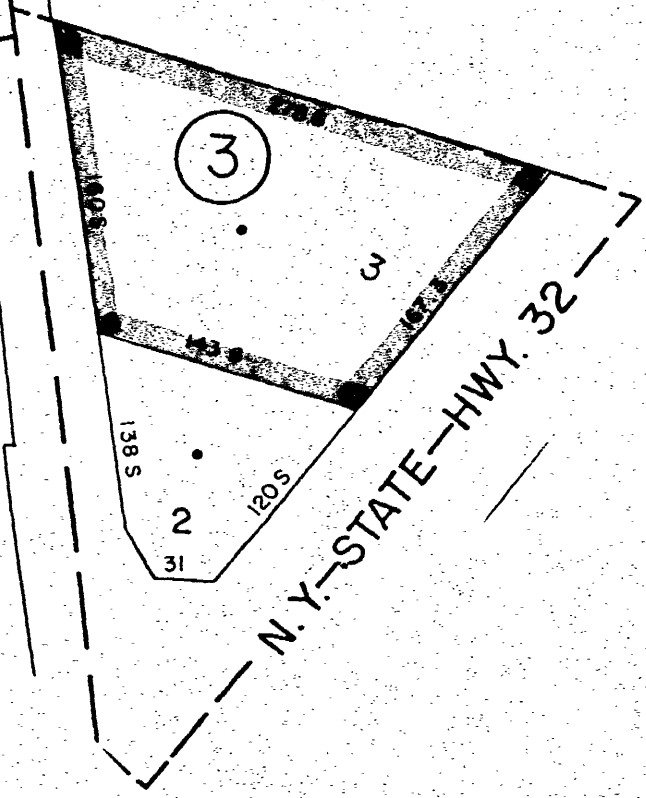
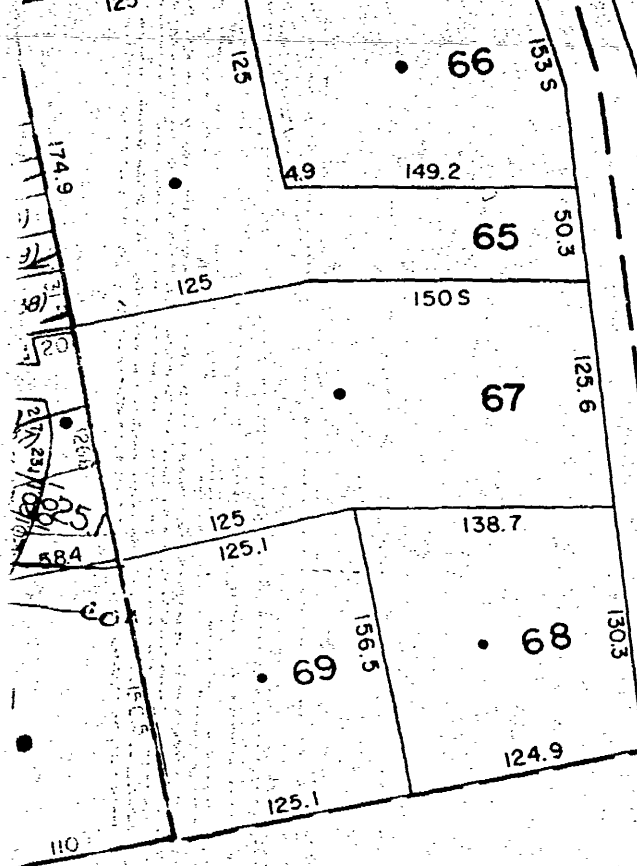
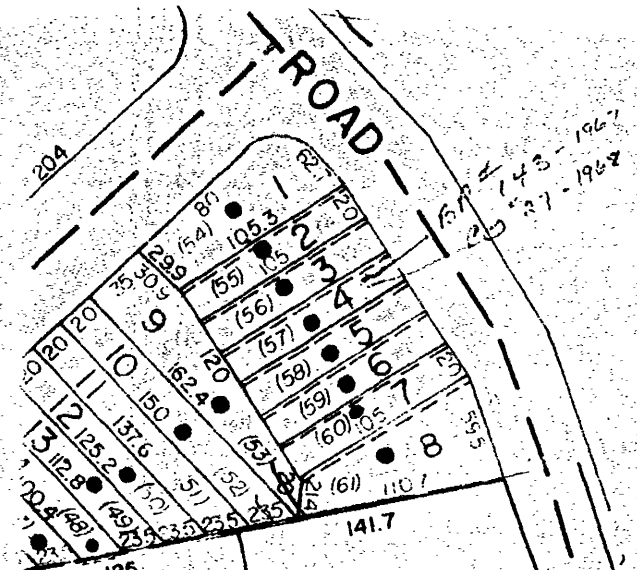
THIS DIAGRAM IS THE PROPERTY OF GLOEDE NEON SIGN CO. INC., AND MAY NOT BE REPRODUCED WITHOUT WRITTEN CONSENT UNTIL SUCH TIME AN AGREEMENT HAS BEEN REACHED AS TO THE TERMS AND AGREEMENTS OF THE SALE OF THIS DIAGRAM.



GLOEDE NEON SIGN CO.  
113 CATHERINE STREET  
POUGHKEEPSIE, NEW YORK 12601  
914-471-4366 - PHONE  
914-471-0987 - FAX  
SINCE 1922

SECTION 65





N.Y. STATE HWY. 32



ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

-----X  
In the Matter of Application for Variance of

Grace Panella

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

#96-43  
-----X

STATE OF NEW YORK )  
                              ) SS.:  
COUNTY OF ORANGE )

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On October 15, 1996, I compared the 53 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
day of October 15, 1996.

Mary Ann Hotaling  
Notary Public

MARY ANN HOTALING  
Notary Public, State of New York  
No. 01H05062877  
Qualified in Orange County  
Commission Expires July 8, 1998

(TA DOCDISK#7-030586.AOS)



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

53

October 10, 1996

Gloede Neon Signs  
113 Catherine Street  
Poughkeepsie, NY 12601

Re: Tax Map Parcel # 71-3-3

To Whom it May Concern:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge of this service is \$75.00, minus your deposit of \$25.00, leaves a balance due of \$50.00.

Sincerely,

*Leslie Cook/c.d.*

LESLIE COOK  
Sole Assessor

/cd  
Attachments

cc. Patricia A. Barnhart, ZBA

Longo's Service Station Inc.  
362 Windsor Highway  
New Windsor, NY 12553

Martini, Paul M. & Irma A.  
341 Old Forge Hill Rd  
New Windsor NY 12553

Selby, Edmond M.  
335 Old Forge Hill Road  
New Windsor NY 12553

Estremera, Rose  
21 Vails Gate Heights Drive  
New Windsor, NY 12553

Warshaw Sonnie & Diane  
23 Vails Gate Heights Drive  
New Windsor, NY 12553

Perry Ronald & Marie A.  
25 Vails Gate Heights Drive  
New Windsor Ny 12553

Levy, Barbara  
27 Vails Gate Heights Drive  
New Windsor NY 12553

Coyle, Stephen P & Annelie  
41 Vails Gate Heights Drive  
New Windsor NY 12553

Baker, Meredith Elaine  
43 Vails Gate Heights Drive  
New Windsor NY 12553

Shapiro, Martin & Frances  
45 Vails Gate Heights Drive  
New Windsor, NY 12553

Hunger Leonard & Lucy  
47 Vails Gate Heights Drive  
New Windsor Ny 12553

Navedo Juvencio  
49 Vails Gate Heights Drive  
New Windsor, NY 12553

Robinson, Frank  
51 Vails Gate Heights Drive  
New Windsor, NY 12553

Schmidt, Carina A.  
323 Old Forge Hill Road  
New Windsor, NY 12553

Barrett, John A. & Doris M.  
53 Vails Gate Heights Drive  
New Windsor, NY 12553

Asmann, Linda  
55 Vails Gate Heights Drive  
New Windsor, NY 12553

Sally Scheiner Revocable Trust  
c/o Scheiner Trustee  
14488 Via Royale  
Delray Beach, FL 33446

Isaacs, Christopher A. &  
Jackson, Sandra  
59 Vails Gate Heights Drive  
New Windsor, NY 12553

Herring, David & Edith  
61 Vails Gate Heights Drive  
New Windsor, NY 12553

Martini, Peter & Lucy  
PO Box 331  
Vails Gate, NY 12584

Blooming Grove Operating Co. Inc.  
PO Box 188  
Washingtonville, NY 10992

Reed, Barbara  
65 Vails Gate Heights Drive  
New Windsor, NY 12553

Castro, Christine &  
Christian, Steve C.  
67 Vails Gate Heights Drive  
New Windsor, NY 12553

Kilcullen, James & Janet  
69 Vails Gate Heights Drive  
New Windsor, NY 12553

Petrolese, Salvatore & Concetta  
71 Vails Gate Heights Drive  
New Windsor, NY 12553

Christianson, Alton D. & Theresa  
327 Old Forge Hill Road  
New Windsor, NY 12553

Ware, Jerline & Zelda  
329 Forge Hill Road  
New Windsor, NY 12553

Mihalco, Emil Jr. &  
Sopiel Bernice  
317 Old Forge Hill Road  
New Windsor, NY 12553

Bila Family Partnership  
158 N. Main Street  
Florida NY 10921

Kass, Frederick J. &  
Madison, Samuel & Audrey  
367 Windsor Highway  
New Windsor, NY 12553

Mylonas, Kyriake &  
Mylonas, Christos &  
Mylonas, Nikolaos  
c/o New Windsor Coach Diner  
351 Route 32  
New Windsor, NY 12553

Mylonas, Dimitrios & Pope  
c/o New Windsor Coach Diner  
351 Windsor Highway  
New Windsor, NY 12553

Prendergast, Patricia W.  
52 Continental Drive  
New Windsor, NY 12553

Digregorio, Lawrence P. &  
Robertson, Claudette  
54 Continental Drive  
New Windsor, NY 12553

Smith, Bradford O. & Kyong S.  
56 Continental Drive  
New Windsor, NY 12553

Stafford, William F. & Elizabeth A.  
58 Continental Drive  
New Windsor, NY 12553

Storey, Richard F. & Diane M.  
5 Mark Street  
New Windsor, NY 12553

Cohen, Richard M. &  
Dorsey, Jeryl A.  
62 Continental Drive  
New Windsor, NY 12553

Crook, Richard J. & Jeannie M.  
64 Continental Drive  
New Windsor, NY 12553

Rohan, John F. & Mary V.  
66 Continental Drive  
New Windsor, NY 12553

STP/JMK Properties Inc.  
298 Forge Hill Road  
New Windsor, NY 12553

Andriuolo, Carmine  
363 Windsor Highway  
New Windsor, NY 12553

Adams, Harold J. Estate of  
c/o Carol Sue Adams  
74 Cayuga Street  
Seneca Falls, NY 13148

Vitolo, Vittorio & Lucy  
5 Vista View Terrace  
Middletown, NY 10940

Cicchetti, O. Edward  
8 Baltsas Road  
Newburgh, NY 12553

Vitolo, Reziero  
137 Mill Street  
Wallkill, NY 12589

Bank of New York  
Property Management  
48 Wall Street-24th Floor  
New York, NY 10286

Reyes, Saturnino & Genovena  
51 Continental Drive  
New Windsor, NY 12553

D'Agostini, Benny & Roxanne  
49 Continental Drive  
New Windsor, NY 12553

Saltzman, Stanley & Anita  
47 Continental Drive  
New Windsor, NY 12553

Kraiza, Joseph M. & Aurora M.  
45 Continental Drive  
New Windsor, NY 12553

Deyo, Jesse Donald & Margaret  
340 Windsor Highway  
New Windsor, NY 12553

City School District of Newburgh  
Vails Gate Elementary School  
98 Grand Street

~~Its~~ publish immediately. Send bill to Applicant at below address.

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 43

Request of GRACE PANELLA

for a VARIANCE of the Zoning Local Law to permit:

ONE 6' x 10' DOUBLE FACED DIRECTORY SIGN  
4/ more than the allowable sign area & height;  
being a VARIANCE of Section 48-18 4(1)(a) [27] - Supp.  
Sign Regulations

for property situated as follows:

356 Windsor Highway, New Windsor, N.Y.

known as tax lot Section 71 Block 3 Lot 3.

SAID HEARING will take place on the 28<sup>th</sup> day of October,  
1996, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

James Nugent  
Chairman

By: Patricia A. Barnhart, Secy.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 96-43

Date: \_\_\_\_\_

I. ✓ Applicant Information:

- (a) GRACE PANELLA, 2 HEARTHSTONE WAY, NEW WINDSOR, NY 12553 562-5330  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) GLOEDENEONSIAK, 113 CATHERINE ST., POUCHKEEPSIE, NY 12601  
(Name, address and phone of contractor/engineer/architect)  
(914) 471-4366

II. Application type:

- ☐ Use Variance ☒ Sign Variance
- ☐ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) C 356 WINDSOR HIGHWAY 71-3-3  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? C
- (c) Is a pending sale or lease subject to ZBA approval of this application? \_\_\_\_\_
- (d) When was property purchased by present owner? 1968
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow: \_\_\_\_\_  
(Describe proposal) \_\_\_\_\_



~~N/A~~ (b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

~~N/A~~ (c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A

(a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_, Regs., Col. \_\_\_\_\_.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

~~N/A~~ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

✓VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	Requirements	Proposed or Available	Variance Request
Sign 1 AREA	64 SF.	120 SF	56 SF
<del>Sign 2 HEIGHT</del>	15 FT.	18 FT.	3 FT.
Sign 3			
Sign 4			

✓(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

TO REPLACE ONE 7' X 12' DOUBLE FACED SIGN (188 SF) WITH ONE NEW 120 SQ. FT. SIGN.

✓ See ADDENDUM ATTACHED

✓(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

✓VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☐ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☐ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 150.00 and the second check in the amount of \$ 500.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: \_\_\_\_\_

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_

<sup>X</sup>  
(Applicant)  
(See attached Proxy)

(b) Variance: Granted (\_\_\_) Denied (\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**REF: FORGE HILL PLAZA.....356 Windsor Highway**

**VI. (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.**

There is an existing free-standing sign on sign of 7' x 12' overall dimensions, which in consideration of both sides totals 188 sq.ft. It is intended to demolish this sign and erect a sign which identifies the plaza and provides adequate panels to identify the tenants. The proposed sign will be 120 sq.ft. (total both sides), a reduction of 68 sq.ft.

**(c) What is the total area in square feet of all signs on premises including signs on windows, face of building & free-standing.**

After surveying the building and measuring all the signs, the total square footage came to 391 sq.ft. However, some tenants utilize their window areas for various sales or offerings at different times. Therefore we would add another 25 sq.ft. to that figure at one time or another.

**VIII. Additional comments:**

The existing free-standing sign is comprised of large individual wood panels affixed to two posts. It is conglomeration of colors, sizes & textures which are not complimentary to eachother or the retail uses in the area. In an effort to begin a revitalization of the plaza, the applicant has proposed a new, internally illuminated sign of smaller dimensions. This sign will contain the name of the plaza, for better identification and equal size panels for all the tenants. The height of the sign is necessary to allow "Emporium" traffic visibility.

PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE # 96-43

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

GRACE PANELLA

, deposes and says:

I am the OWNER of a certain parcel of land within the TOWN OF NEW WINDSOR designated as tax map SECTION 71 BLOCK 3 LOT 3. I HEREBY AUTHORIZE GLOEDE NEON SIGNS LTD of \_\_\_\_\_ (company name) to make an application before the ZONING BOARD OF APPEALS as described in the within application.

Dated: 9/26/96.

Frances Mary Homin

FRANCES MARY HOMIN  
Notary Public, State of New York  
No. 01N0488954

Qualified in Orange County  
Commission Expires Dec. 29, 1996

Grace Panella  
(Signature of Owner)

Sworn to before me this

26th day of September, 1996.

Frances Mary Homin

Notary Public

(ZBA DISK#1-060895.PXY)

**KIMMEL & KIMMEL**

ATTORNEYS AT LAW  
292 MADISON AVENUE  
NEW YORK, N.Y. 10017  
212 778-2121  
FACSIMILE 212 532-1332

JAY KIMMEL 212 778-2122

ROCKLAND COUNTY OFFICE  
72 CARLTON ROAD  
MONROE, N.Y. 10952  
914 425-1788

September 24, 1996

Town of New Windsor  
Zoning Board of Appeals  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, NY 12553

**Re: Premises 356 Windsor Highway****To Whom It May Concern:**

I am the attorney who prepared the deed from the Estate of Emilio Panella and the Emilio Panella Revocable Trust to 356 Windsor Highway Associates, LLC, dated December 7, 1995. In preparing the deed I relied on the previous deed dated August 18, 1989 which stated the Tax Map Designation as being Section 65, Block 2, Lot 10. I have since been advised that the correct Tax Map Designation for the property is Section 71, Block 3, Lot 3. The legal description on the deed, however, clearly describes the property as being the premises known as 356 Windsor Highway.

If I can be of any further assistance, please don't hesitate to contact me.

Very truly yours,

  
Jay Kimmel

JK:rs

344/133/30

cc: Ms. Grace Panella

# ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

VINCENT PANELLA, CELIA PANELLA,  
PATRICIA PANELLA AND GRACE  
ALDEBOT PANELLA

TO

356 WINDSOR HIGHWAY ASSOCIATES, LLC

SECTION 65 BLOCK 2 LOT 10

RECORD AND RETURN TO:

(Name and Address)

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

JAY KIMMEL, ESQ.  
292 MADISON AVENUE  
NEW YORK, NY 10017

212-779-2122 (REGINA)

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐**PROPERTY LOCATION**

2089 BLOOMING GROVE (TN)	4289 MONTGOMERY (TN)
2001 WASHINGTONVILLE (VLG)	4201 MAYBROOK (VLG)
2289 CHESTER (TN)	4203 MONTGOMERY (VLG)
2201 CHESTER (VLG)	4205 WALDEN (VLG)
2489 CORNWALL (TN)	4489 MOUNT HOPE (TN)
2401 CORNWALL (VLG)	4401 OTISVILLE (VLG)
2800 CRAWFORD (TN)	4600 NEWBURGH (TN)
2800 DEERPARK (TN)	<input checked="" type="checkbox"/> 4800 NEW WINDSOR (TN)
3089 GOSHEN (TN)	5089 TUXEDO (TN)
3001 GOSHEN (VLG)	5001 TUXEDO PARK (VLG)
3003 FLORIDA (VLG)	5200 WALLKILL (TN)
3005 CHESTER (VLG)	5489 WARWICK (TN)
3200 GREENVILLE (TN)	5401 FLORIDA (VLG)
3489 HAMPTONBURGH (TN)	5403 GREENWOOD LAKE (VLG)
3401 MAYBROOK (VLG)	5405 WARWICK (VLG)
3689 HIGHLANDS (TN)	5600 WAWAYANDA (TN)
3801 HIGHLAND FALLS (VLG)	5889 WOODBURY (TN)
3889 MINISINK (TN)	5801 HARRIMAN (VLG)
3801 UNIONVILLE (VLG)	
4089 MONROE (TN)	
4001 MONROE (VLG)	
4003 HARRIMAN (VLG)	
4005 KIRYAS JOEL (VLG)	

**CITIES**

0900 MIDDLETOWN  
1100 NEWBURGH  
1300 PORT JERVIS

9999 HOLD

NO. PAGES 2 CROSS REF         
CERT. COPY        AFT. FILED       

PAYMENT TYPE: CHECK ☒  
CASH ☐  
CHARGE ☐  
NO FEE ☐

CONSIDERATION \$         
TAX EXEMPT ☐

MORTGAGE AMT \$         
DATE       

**MORTGAGE TYPE:**  
☐ (A) COMMERCIAL  
☐ (B) 1 OR 2 FAMILY  
☐ (C) UNDER \$10,000  
☐ (E) EXEMPT  
☐ (F) 3 TO 6 UNITS  
☐ (I) NAT.PERSON OR UNION  
☐ (J) NAT.PER OR LUM OR 2  
☐ (K) CONDO

*Joan A. Macchi*

JOAN A. MACCHI  
Orange County Clerk

RECEIVED FROM: *Commonwealth*

UNDER 1332 FEE 344



ORANGE COUNTY CLERKS OFFICE 3725 MRL  
RECORDED/FILED 01/25/96 04:25:36 PM

FEE \$ 41.00 EDUCATION FUND \$ 5.00

SERIAL NUMBER: 004549 .00

DEED CNTL NO 50805 RE TAX

B-3307 Executor's Deed--Individual or Corporation (Single Sheet)

C-1596017

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 7th day of December, nineteen hundred and ninety-five

BETWEEN VINCENT PANELLA, CELIA PANELLA, PATRICIA PANELLA and GRACE ALDEBOT PANELLA, residing at South Newfane, VT 05351; 370 Central Park West, New York, NY 10025; 116 West 87th Street, New York, NY 10024 and 2 Hearthstone Way, New Windsor, NY 12553, respectively, as Trustees of The Emilio Panella Revocable Trust dated August 18, 1989, and as Executors of the Last Will and Testament of Emilio Panella, late of New Windsor, NY, deceased (the Last Will of Emilio Panella was admitted to Probate on April 22, 1994 by the Surrogate, Orange County, New York in Probate Proceeding Index No.0244/94)

party of the first part, and 356 Windsor Highway Associates, LLC., 2 Hearthstone Way, New Windsor, NY 12553

party of the second part,

WITNESSETH, that the party of the first part, by virtue of the power and authority given in and by said/ last will and testament, and in consideration of TEN (\$10.00)

dollars,

paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs, or successors and assigns of the party of the second part forever

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, and described as follows: Beginning at a point 186.72 feet North 37° East from the intersection of the boundaries of what were formerly known as the Temple Hill Road, running northwesterly and the Snake Hill Road, running northeasterly, said point being in the westerly boundary of the State Highway from Vails Gate to Newburgh (Route 32); thence (1) North 37° 00' East 167.28 feet to a point at the intersection of two stone walls; thence along a wall (2) North 76° 07' 30" West 278.05 feet to a point at the intersection of two stone walls in the easterly boundary of the old Temple Hill Road; thence along same (3) South 9° 15' East 167.28 feet to a point in said boundary; thence (4) South 76° 07' 30" East 146.66 feet to a point of beginning containing 0.75 acres of land more or less, Subject, however, to the pole rights heretofore granted to the Central Hudson Gas & Electric Corporation and New York Telephone Company by agreement dated August 13, 1931 and recorded October 2, 1931 in Liber 722 of Deeds at page 280. Being the same premises conveyed in a deed dated August 18, 1989, made by Emilio Panella to Emilio Panella, as Trustee and recorded in the Orange County Clerk's Office on October 2, 1989 in Liber 3195 at Page 254.

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurtenances, and also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise; TO HAVE AND TO HOLD the premises herein granted unto the party of second part, the heirs or successors and assigns of the party of the second part forever.

AND, the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND, the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written

IN PRESENCE OF:

Vincent Panella  
Vincent Panella

Celia Panella  
Celia Panella

Patricia Panella  
Patricia Panella

Grace Aldebot Panella  
Grace Aldebot Panella

AS TRUSTEES OF THE  
EMILIO PANELLA REVOCABLE TRUST

SEP-13-1996 15:58

0

P.01

STATE OF NEW YORK, COUNTY OF Orange

ss: STATE OF NEW YORK, COUNTY OF

On the 7th day of December, 1995, before me personally came VINCENT PANELLA, CELIA PANELLA, PATRICIA PANELLA and GRACE ALDEBOT PANELLA (AS TRUSTEES) to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that they executed the same.

On the day of , before me personally came to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

  
NOTARY PUBLIC

JAY KIMMEL  
Notary Public, State of New York  
No. 4375524  
Qualified in Rockland County  
Commission Expires 04/27/96

NOTARY PUBLIC

STATE OF NEW YORK, COUNTY OF

ss: STATE OF NEW YORK, COUNTY OF

On the day of , 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at

On the day of , 19 , before me personally came

that he is the  
of

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

NOTARY PUBLIC

# EXECUTOR'S DEED

TITLE NO. \_\_\_\_\_

Estate of Emilio Panella

TO

356 Windsor Highway Associates, LLC.

RECORDED AT  
COMMONWEALTH LAND TITLE INSURE  
50 West Street  
White Plains, New York 106

SECTION 65  
BLOCK 2  
LOT 10  
COUNTY OR TOWN New Windsor  
STREET ADDRESS 356 Windsor Highway

Recorded at Request of  
**COMMONWEALTH LAND  
TITLE INSURANCE COMPANY**

RETURN BY MAIL TO

Jay Kimmel, Esq.  
292 Madison Avenue  
New York, NY 10017

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

BOOK 1332 PAGE 346

Date 7/1/96, 19.....

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Francis Roth 147 Syracuse Dr DR.  
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
9/3/16		Zoning Board Meeting	75.00	
		Minutes- Misc- 2		
		Verdier- 5		
		Panella- 5 22.50.		
		Rosenbaum- 6	81.00	
		<u>18</u>	<u>156.00</u>	

PANELLA, GRACE

MR. NUGENT: Request for 56 square sign variance and 3 ft. sign height variance for 6 x 10 ft. directory sign at 356 Windsor Highway known as Forge Hill Plaza in C zone.

Ms. Barbara Fitzgerald from Gloede Signs appeared before the board for this proposal.

MS. FITZGERALD: Basically pictures are always good, this shows the Forge Hill Plaza as it exists and this is actually a closeup showing what it is which is the wood signs nailed on the poles. The dimensions of this structure with the signs is 12 x 7 so basically, I think what we're saying is that 188 square foot if you take into consideration both sides of the sign. I don't know what information that you have, this was kind of last minute.

MR. NUGENT: We have existing sign is 64 square feet, what you're proposing is 64 square feet on either side?

MS. BARNHART: No, they are proposing 120.

MR. NUGENT: On each side?

MS. FITZGERALD: No, no, no, a total.

MS. BARNHART: That's a total.

MR. NUGENT: 64 double is not 120 but let's continue.

MS. FITZGERALD: All right, this was all like let's do this last minute but let me just and we'll be better prepared but to just let you know what's being proposed is a sign of smaller dimension that is all one and it's an illuminated sign, it's not pieces of wood nailed up, this is something that is much more attractive.

MR. KANE: The sign you are proposing now is smaller than what's up there currently?

MS. FITZGERALD: Yes, that is correct.

MR. NUGENT: We have to look at the numbers, something's not right.

MR. LANGANKE: When you change tenants, how do you change the sign?

MS. FITZGERALD: You change the panels within.

MR. BABCOCK: Mr. Chairman, they want to put up a sign that is 6 foot by 10 foot.

MR. KANE: Six foot wide ten foot high?

MS. FITZGERALD: Yes.

MR. NUGENT: According to this five foot six wide by ten foot high that is 56 square feet times 2 is 112.

MR. TORLEY: The top, the sort of shaped sign is slightly narrower?

MS. FITZGERALD: And this portion is six feet.

MR. BABCOCK: Bottom is 6 foot Jim so we squared it.

MR. NUGENT: They are allowed 64, that is where you got the 56.

MS. FITZGERALD: Exactly, okay, sorry.

MR. BABCOCK: That is okay.

MR. REIS: Why is it necessary for them to be here to reduce the signage?

MR. KANE: Because it doesn't conform.

MS. FITZGERALD: I don't think that that is basically the reason. I think the reason being is that it's unattractive and what she's trying to do she has 1, 2, 3, 4 on the sign right now, she has space for 5 tenants and she has 5 tenants so what she's trying to do is to provide them with an attractive sign that is going to accommodate 5 tenants that she has. If you are going to keep putting up big wood panels up there, it's ugly



and of course it is less, what is being proposed is less square footage but when you put out your wording and so forth, it's readable, it's back lit, it's something that is much more attractive to the area.

MR. KANE: Michael is what is up there now is that pre-existing as far as the new sign ordinance?

MR. BABCOCK: Yes, except actually the word pre-existing didn't come into play when don't know when that sign arrived there so we're not sure that sign that is there now is legal.

MR. KANE: They are in violation with the sign that is up there now?

MR. BABCOCK: I don't know that.

MR. TORLEY: Well, it wouldn't have been legal under the old code either.

MR. BABCOCK: It may have been pre-existing, we don't know.

MR. TORLEY: Before '67?

MR. KANE: It's another New Windsor special.

MR. BABCOCK: There's no records to indicate anything so--

MR. LANGANKE: Hasn't that--

MR. NUGENT: They want to make it right, to hell with what's there. We gave the variance to H & R Block.

MR. BABCOCK: On the building.

MS. FITZGERALD: Yeah, well, I didn't get to follow through with the whole entire thing.

MR. KANE: But they are also allowed freestanding signs so the variances we gave them were on the building. If this is making this thing more attractive and less square foot and then what's up there now looks a lot

better, don't have a problem with it.

MR. REIS: Can I take a look at that please?

MS. FITZGERALD: Did you want to see the photos?

MR. BABCOCK: No.

MR. TORLEY: I'm glad to see business people putting up a nice new sign closer to the zoning code, make it look better.

MR. NUGENT: My second question has to be why does it have to be three feet higher, why can't it be within the 15 foot height range, is there a reason for that, of course she's adding another sign.

MS. FITZGERALD: I think that is basically it and instead of just saying the name of the people they are giving the plaza a name, so I think in order to accommodate that within a reasonable--

MR. NUGENT: Never had a name before.

MS. FITZGERALD: Readable type of situation that--

MR. TORLEY: I never even knew what it was called, the building used to be a nice bagel place in there too.

MR. NUGENT: Any further questions? I'll accept a motion.

MR. KANE: I move that we grant public hearing for Miss Grace Panella's requested variance at 356 Windsor Highway.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. KRIEGER: Those are the criteria that must be addressed and a decision made by the zoning board, so I would ask you to address those at the public hearing. Secondly, I would like to look at the public hearing at a copy of the deed, I don't need to keep it, I just want to look at it and return it. The other thing is if you are going, you or somebody else other than Grace Panella is going to present this, then it will be necessary to have a proxy filed before the public hearing.

MS. FITZGERALD: I believe she is going to be here.

MR. KRIEGER: Well, that is up to you or to her but I just wanted to, I didn't want you to be surprised if you came in.

MS. FITZGERALD: A letter of consent?

MR. KRIEGER: You can get from her the proxy, it's very simple and straightforward but it's housekeeping that needs to be done. I would say if in doubt, file the proxy and then if you don't, if Grace Panella's here, it doesn't do any harm.

MS. FITZGERALD: Okay.